IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21317 of 1994

Between:

1 M.Saddamini, W/o. Satyanarayana.
Salipalle Village, Ghannapavaram Mandal,
West Godavari.
2 M.Satyanarayana, S/o. Yesuratnam.
Salipalle Village, Ghanapavaram,
W.G.Dist.,.

... PETITIONERS.

AND

1 Revenue Divisional Officer, Eluru,
West Godavari.
2 Mandal Revenue Officer, Ganapavaram Mandal,
West Godavari.

3. Sarpanch (Person-in-charge), Seripally Gram Panchayat, Seripally, Ganapavaram Mandal, West Godavari District.

4. Sub Inspector of Police, Ganapavaram P.S., West Godavari District.

(R.3 & R.4 are impleaded as per Court Order dt.17.02.2005 in W.P.M.P.No.31323 of 1995).

...RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction particularly a Writ in the nature of Mandamus, declaring the action of the 2nd respondent in cancelling the patta through his proceedings dated 31/08/1994 in Rc.No.802/93 (P.L) denying the alternate allotment of house site and the consequential notice/order dated

10/11/1994 of the 2nd respondent as being illegal, arbitrary and set aside the same, with a direction to the respondent not to interfere with the peaceful possession and enjoyment of the petitioners with the petition schedule land admeasuring to an extent of 0.03 cents situate at Saripalle Village in S.No.126 and 127, and pass

Counsel for the Petitioners: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

Heard Sri A.K.Jayaprakash Rao, the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue and also the learned Government Pleader for Social Welfare.

The petitioners herein filed this writ petition ,*inter alia,* seeking for a writ of Mandamus declaring the action of the second respondent herein canceling the patta after proceedings dated 31.08.1994 and also denying any alternate arrangement of house sites to the petitioners and further consequential orders issued by the second respondent on 10.11.1994, as illegal, arbitrary and set aside the same.

Having heard the counsel on either side and on perusal of the material, it is seen that the petitioners claim is only for assignment of land on the ground that he is a landless poor person and accordingly he is entitled therefor. However, as against the orders of the second respondent herein, the petitioner could as well avail the alternative remedy of appeal to the first respondent herein, without which, he has directly approached this Court seeking for writ of Mandamus. Having regard to the availability of alternative and efficacious remedy, it is not open for this Court to entertain this writ petition directly.

The writ petition is, accordingly, dismissed as not maintainable with liberty to the petitioner to file an appeal to the first respondent

and the first respondent shall dispose of the same on merits in accordance with law after giving notice to both the parties.

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B. PRAKASH RAO, J

17th February 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 Revenue Divisional Officer, Eluru,
West Godavari.
2 Mandal Revenue Officer, Ganapavaram Mandal,
West Godavari.

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. Sarpanch (Person-in-charge), Seripally Gram Panchayat, Seripally, Ganapavaram Mandal, West Godavari District.

5. Sub Inspector of Police, Ganapavaram P.S., West Godavari District.

6 Two C.D. copies.